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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

MARY BENSON, an individual,  
Plaintiff,

vs.

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT, in its official capacity; and,  
BRET EMPEY, in his official capacity as  
Sergeant of the Las Vegas Metropolitan  
Police Department;  
Defendants.

Case. No.: 2:19-cv-01949-RFB-VCF

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY  
DEADLINES**

**(TWELFTH REQUEST)**

Pursuant to Fed. R. Civ. P. 16(b)(4) and Local Rule 26-4, Plaintiff MARY BENSON and Defendants LAS VEGAS METROPOLITAN POLICE DEPARTMENT and BRET EMPEY (“LVMPD Defendants”), by their respective counsel, hereby submit this Stipulation and Order to Extend Discovery Deadlines (Twelfth Request) to request the Court to extend discovery deadlines by sixty (60) days as follows:

**I. DISCOVERY CUT-OFF DEADLINES**

A. The discovery cut-off date shall be rescheduled from December 12, 2022, to **February 10, 2023**;

B. The deadline for the disclosure of rebuttal experts and their reports shall be rescheduled from December 12, 2022, to **January 11, 2023**;

C. The deadline to file dispositive motions shall be rescheduled from December 12, 2022, to **March 13, 2023<sup>1</sup>**; and

<sup>1</sup> 30 days after February 10, 2023, is Sunday, March 12, 2023. The following business day is March 13, 2023.

1 D. The deadline to file the Joint Pretrial Order shall be rescheduled from  
2 January 12, 2023, to **April 12, 2023**. If dispositive motions are filed, the deadline for filing  
3 the joint pretrial order will be suspended until thirty (30) days after decision on the dispositive  
4 motions or further court order.

## 5 II. REASON FOR THE REQUESTED EXTENSION

6 Pursuant to Local Rule 26-4, the Parties submit that good cause exists for the  
7 extension requested and is not made for the purposes of delay. In ECF No. 55, multiple  
8 deadlines were erroneously set for the same day<sup>2</sup>, limiting the Parties' ability to adequately  
9 reach each deadline. As such, additional time is needed. This request for an extension is made  
10 in good faith and joined by all the parties in this case.

11 Pursuant to Local Rule 26-4, a stipulation to extend a deadline set forth in a  
12 discovery plan must be submitted to the Court no later than twenty-one (21) days before the  
13 expiration of the subject deadline, and that a request made within twenty-one (21) days must  
14 be supported by a showing of good cause. Here there is good cause to extend the discovery  
15 deadline, notwithstanding the fact that the current date is more than twenty-one (21) days  
16 before the expiration of the subject deadline.

17 Trial is not yet set in this matter and dispositive motions have not yet been filed.  
18 Accordingly, this extension will not delay this case. Moreover, since this request is a joint  
19 request, neither party will be prejudiced. The extension will allow the parties necessary time  
20 to complete discovery. The Parties acknowledge that in ECF No. 54 the Parties agreed that,  
21 absent extraordinary circumstances, they would not seek further extensions of discovery in  
22 this matter. However, multiple deadlines all failing on the same day limits the Parties' ability  
23 to adequately propound and respond to requests for written discovery. Moreover, the parties  
24 are continuing to work towards possible resolution of the matter. Further, both counsel for  
25 Plaintiff and counsel for Defendants have had extraordinary workloads and have upcoming  
26 family obligations and travel. Thus, this request for an extension is made because of the

27 \_\_\_\_\_  
28 <sup>2</sup> Counsel apologizes for the error.

extraordinary circumstances.

### **III. STATUS OF DISCOVERY EFFORTS TO DATE**

The following discovery has been completed to date:

1. LVMPD Defendants provided their Fed. R. Civ. P. 26.1 Production of Documents and Witness List on January 6, 2020;

2. Plaintiff Mary Benson provided her Fed. R. Civ. P. 26.1 Production of Documents and Witness List on January 7, 2020;

3. LVMPD Defendants propounded their First Set of Requests for Production of Documents to Plaintiff Mary Benson on January 17, 2020;

4. Plaintiff Mary Benson responded to LVMPD Defendants' First Set of Requests for Production of Documents on March 10, 2020;

5. Plaintiff provided her First Supplement to her Fed. R. Civ. P. 26.1 Production of Documents and Witness List on March 10, 2020;

6. Plaintiff Mary Benson propounded her First Set of Requests for Production of Documents to Defendant Sgt. Bret Empey on March 13, 2020;

7. Plaintiff Mary Benson propounded her First Set of Requests for Production of Documents to Defendant Las Vegas Metropolitan Police Department on March 13, 2020.

8. LVMPD Defendants provided their First Supplement to their Fed. R. Civ. P. 26.1 Production of Documents and Witness List on May 11, 2020;

9. Defendant Sgt. Bret Empey responded to Plaintiff Mary Benson's First Set of Requests for Production of Documents on May 11, 2020;

10. Defendant Las Vegas Metropolitan Police Department responded to Plaintiff Mary Benson's First Set of Requests for Production of Documents on May 11, 2020;

11. Plaintiff provided her Second Supplement to her Fed. R. Civ. P. 26.1 Production of Documents and Witness List on February 23, 2021;

12. Plaintiff provided her Third Supplement to her Fed. R. Civ. P. 26.1 Production of Documents and Witness List on September 29, 2021;

13. Plaintiff provided her Initial Expert Disclosures on September 29, 2021;

1           14.     Plaintiff provided her Second Set of Requests for Production to Defendants  
2 on December 22, 2021;

3           15.     Defendants responded to Plaintiff Mary Benson's Second Set of Requests  
4 for Production of Documents on February 21, 2022;

5           16.     Defendant Sgt. Bret Empey responded to Plaintiff Mary Benson's Second  
6 Set of Requests for Production of Documents on February 22, 2022;

7           17.     Defendant LVMPD responded to Plaintiff Mary Benson's First Set of  
8 Requests for Production of Documents on February 22, 2022, and provided a supplemental  
9 response the same day; and

10          18.     The Parties are working together to schedule depositions.

11           **IV.     DISCOVERY REMAINING**

12          The Parties agree that the following discovery must be completed:

- 13          1.     The deposition of Plaintiff;
- 14          2.     The depositions of Defendants;
- 15          3.     The depositions of witnesses;
- 16          4.     The deposition(s) of the Defendants' Person(s) Most Knowledgeable; and
- 17          5.     Additional written discovery and/or resolution of discovery disputes.

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23           **V.     CONCLUSION**

24          Based on the above, requisite good cause exists to warrant an extension of the  
25 discovery deadlines. Accordingly, the Parties respectfully request that this Court extend the  
26 current deadlines by sixty (60) days in order to allow them to adequately complete discovery.

27          IT IS SO STIPULATED.

1 DATED this 15<sup>th</sup> day of November, 2022.

DATED this 15<sup>th</sup> day of November, 2022.

2 **MARQUIS AURBACH**

**MCLEATCHIE LAW**

3 /s/ Nick D. Crosby

/s/ Margaret A. McLetchie

4 Nick D. Crosby, NBN 8996

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*Attorney for Mary Benson*

8  
9 **ORDER**

10 IT IS SO ORDERED.

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13 \_\_\_\_\_  
14 U.S. MAGISTRATE JUDGE

15 11-15-2022

16 DATED: \_\_\_\_\_  
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